

**DIVISION OF ENVIRONMENTAL HEALTH  
SOLID WASTE PROGRAM  
610 UNIVERSITY AVENUE  
FAIRBANKS, ALASKA 99709-3643**  
<http://www.state.ak.us/dec/home.htm>

**Telephone: (907) 451-2108  
Fax: (907) 451-2187**

**File Number: 400.15.016**

July 23, 2001

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED # 7000-0520-0025-2109-5266**

Robert Fagerstrom, President  
Sitnasuak Native Corporation  
P.O. Box 905  
Nome, AK 99762

**Re: Sitnasuak Native Corporation Asbestos Landfill Solid Waste Disposal Permit #0132-BA001**

Dear Mr. Fagerstrom:

The Department of Environmental Conservation has completed its evaluation of your application dated May 3, 2001 and amendments dated May 20, 2001 and May 24, 2001, for the solid waste disposal permit for the disposal of construction/demolition waste with regulated and non-regulated asbestos containing materials located approximately 9.5 miles east of Nome, Alaska on the Nome-Council Road within a portion of the U.S. Mineral Survey No. 1148 in Section 9 and 16, Township 12 South, Range 32 West, Kateel River Meridian. The Department is issuing the enclosed permit in accordance with AS 46, 18 AAC 15, and 18 AAC 60. Please review the conditions and stipulations in the permit and ensure they are all understood. This permit is effective upon issuance and expires July 1, 2006.

Any person who disagrees with this decision may appeal the decision by requesting an adjudicatory hearing, using the procedures contained in 18 AAC 15.200-310. Hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99501, within thirty (30) days of receipt of this letter. If a hearing is not requested within thirty (30) days, the right to appeal is waived. Please also, send a copy of the request to the undersigned.

The issuance of this permit does not release the applicant from the responsibility to adhere to other applicable permits, which may be required by other State and Federal Agencies.

Sincerely,

Heather T. Stockard  
Solid Waste Program Manager

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Enclosure: Permit 0132-BA001  
cc: Irene Anderson, Sitnasuak Native Corp.

**ALASKA DEPARTMENT  
OF  
ENVIRONMENTAL CONSERVATION**

**SOLID WASTE DISPOSAL PERMIT**

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Permit 0132-BA001

Date: July 23, 2001

This Solid Waste Disposal Permit is issued to the Sitnasuak Native Corporation, for the operation and maintenance of a monofill for construction/demolition debris with regulated and non-regulated asbestos containing materials located approximately 9.5 miles east of Nome, Alaska on the Nome-Council Road within a portion of the U.S. Mineral Survey No. 1148 in Section 9 and 16, Township 12 South, Range 32 West, Kateel River Meridian. This permit is subject to the conditions and stipulations contained in Appendices A and B, which are incorporated herein by reference.

This permit is issued under provisions of Alaska Statute 46.03, the Alaska Administrative Code, as amended or revised, and other applicable state laws and regulations.

This permit is effective upon issuance and expires July 1, 2006. It may be terminated or modified in accordance with AS 46.03.120.

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Heather T. Stockard  
Solid Waste Program Manager

## **APPENDIX A - SPECIFIC CONDITIONS**

### **I. SITE DEVELOPMENT**

The permit holder shall:

- A. Comply with the designs and plans submitted with the application dated May 3, 2001 and amendments dated May 20, 2001 and May 24, 2001, as well as the following permit conditions. Additional modification may be requested, but must be authorized by a permit amendment, before that modification is effective.
- B. Ensure that all operations will accommodate the waste volume and are done in a manner that will facilitate close-out when the landfill is closed.
- C. Post signs at the site entrance and at one hundred (100) foot intervals along the site boundary that state in one-inch (1") or taller lettering:

ASBESTOS WASTE DISPOSAL SITE  
DO NOT CREATE DUST  
BREATHING ASBESTOS  
IS HAZARDOUS TO YOUR HEALTH

Signs may be removed after the final cover has been applied, however, a permanent monument indicating that asbestos is buried below must be maintained.

- D. Erect and maintain a readily visible sign at the site currently in use with the following information legibly printed:

Facility Operator  
Owner/Operator  
Conditions for Use  
Emergency Phone Numbers

- E. Erect and maintain readily visible signs in the facility listing rules and prohibitions of use.
- F. Ensure that surface water runoff from outside the facility does not flow onto the facility and over, into or through uncovered or covered solid wastes by constructing and maintaining diversion structures such as ditches or berms.
- G. Ensure that drainage from the facility is controlled to prevent any water quality violations.
- H. Ensure that public access to the facility is controlled to reduce risks to health and to reduce safety hazards. This requires the placement and maintenance of a locked gate to the facility and fencing along the Nome-Council Road.

I. SITE DEVELOPMENT (cont.)

- I. Ensure wildlife and domestic animals are not allowed access to waste deposited at the facility and that the site be maintained to prevent being an attraction to them. Wastes will be stored in suitable containers prior to disposal to prevent wildlife attraction.
- J. Ensure that only construction/demolition waste and asbestos containing materials are disposed of at this site. Domestic refuse may not be disposed of at this site.

II. SITE OPERATION

The permit holder shall:

A. Receiving Asbestos Waste

- 1. Be present at the site to supervise the disposal. The landfill operator must maintain a log of the source and quantity of asbestos delivered. Landfill operators may require the driver to sign in or sign over a chain-of-custody or waste manifest form.
- 2. Inspect loads to verify that friable asbestos waste is properly contained in leak-tight containers and labeled appropriately. The operator should contact the Alaska Department of Environmental Conservation and the U.S. Environmental Protection Agency if the waste is improperly packaged.
- 3. Thoroughly wet friable asbestos waste and place in a leak-tight container before burial. Containers may be barrels, drums, or double four-mil (4 ml.) or thicker plastic bags.
- 4. Ensure all friable asbestos containers shall have a warning label attached that states:

DANGER  
CONTAINS ASBESTOS  
AVOID OPENING OR BREAKING CONTAINER  
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH

or:

DANGER  
CONTAINS ASBESTOS  
AVOID OPENING OR BREAKING CONTAINER  
BREATHING ASBESTOS DUST  
MAY CAUSE SERIOUS BODILY HARM

- 5. Bury non-friable asbestos material in the designated asbestos disposal area in a manner that does not result in the release of asbestos dust. There are no regulations which require non-friable asbestos to be packaged or labeled, but in some cases, packaging may be appropriate to prevent the release of asbestos dust. The generation of asbestos dust from non-friable asbestos is a violation of NESHAP. The disposal of non-friable asbestos material into the normal waste stream has a high potential for generating asbestos dust and is not permitted.

B. Burial

1. Asbestos waste must be placed into a trench carefully to avoid breaking the material or containers. Particular care must be taken with plastic bags since they may break under pressure and emit asbestos particles.
2. Consolidate and compact all wastes and cover with a minimum of six (6) inches of compacted soil at the end of each operating day. Solid wastes should be compacted in two (2) foot increments before applying operational or final cover.
3. Institute an interim waste coverage plan if extreme winter weather prevents daily coverage of waste. The plan shall be approved by the Department prior to its implementation and may include the use of cover alternatives other than soil.
4. Ensure that solid wastes are not placed in surface waters and that a minimum separation of ten (10) feet is maintained between the high groundwater table and the lowest level of the waste.
5. Ensure that the maximum working face does not exceed 80 feet in width. The maximum height of the working face shall not exceed 12 feet.
6. Ensure that all nonsalvageable drums are empty of fluids prior to crushing and burying. All fluids removed from drums prior to the drums' disposal shall be properly disposed of in accordance with all applicable state and federal laws, including, but not limited to, RCRA, the Clean Water Act, the Clean Air Act, Title 46 of Alaska Statutes, and 18 AAC 60.
6. Ensure that all large containers e.g. drums are crushed and flattened to prevent voids in the fill.
7. Ensure that waste oils or oily wastes are managed in accordance with 40 CFR Part 279. Oil filters must be hot drained and crushed or incinerated prior to disposal.

B. Burning

1. Prohibit open burning on the working face and immediately extinguish any fires that occur on the working face.
2. Notify **within 24 hours** the Department of Environmental Conservation, Fairbanks Office, at 451-2108, if any fires occur on the working face.

C. Access

1. Construct and maintain onsite roads as necessary to assure adequate traffic control. Adequate traffic control means that the site supervisor will maintain positive control of all persons who are within the landfill boundaries and that refuse will be deposited in approved locations. Dumping in unauthorized areas violates conditions of this permit and Alaska Administrative Codes.

D. Litter

1. Collect and dispose of all windblown and littered refuse from the disposal site and along

the entrance road once each week or at least as often as the site is monitored. All littered wastes on lands within five hundred (500) feet of the site, whether windblown or dumped, shall be collected and disposed of at a frequency necessary to prevent this litter from becoming an aesthetic nuisance.

E. Prohibitions and Special Restrictions

1. Prohibit the discharge of firearms at the facility.
2. Prohibit disposal of hazardous wastes, as defined in 40 CFR 261.3, oily wastes, waste oil, greases, paints, sludges, and chemical wastes at this facility.
4. Prohibit the disposal of domestic or commercial refuse at this site.
5. Prohibit disposal of lead-acid batteries at the landfill site.

F. Monitoring and Reporting

1. Visually monitor the site for signs of damage or potential damage from settlement, ponding, leakage, erosion or operations at the site. Monitoring frequency shall be monthly when the site is used at least once a week. If the site use is less frequent, monitoring shall be done at least once each quarter. Retain the results of visual monitoring in the operating record for the facility for review during inspections.
2. Maintain a set of site development plans and submit an updated copy to the Department showing current status before December 31 of each year.
3. Maintain a waste shipment record (WSR) in accordance with 40 CFR Part 61 for each load of regulated asbestos containing material accepted at the landfill. Retain the WSRs in the operating record for the facility for review during inspections.
4. Photograph the disposal site:
  - a. As prepared for waste disposal.
  - b. During waste deposition at least once per year.
  - c. After final cover has been applied.
  - d. After revegetation during the summer following closure.

Photographs taken under sections a, b, and c of this permit should be submitted within sixty (60) days of closure and photographs under section d within one (1) year of closure.

### III. CLOSURE AND RESTORATION

- A. Ensure that a final cover be applied within ninety (90) days after the last waste is deposited, and consists of at least two feet of material, the top six (6) inches of which will promote adequate water retention for the successful revegetation of the site. Additional cover may be required in areas subject to excessive soil erosion or frost action.
- B. Develop and implement a vegetative cover plan for completed area within the first growing season using plant species recommended by the Alaska Plant Materials Center (907) 745-4469.
- C. Grade the completed landfill areas to promote surface water runoff without erosion, ponding, and minimize the amount of water entering solid wastes. Surface restoration and erosion control work, such as revegetation will be completed within six (6) weeks after moving to a new location. This restoration will be required again if the Department determines that significant erosion has occurred within five (5) years of facility closure.
- D. Delimit the location of the asbestos disposal area with a minimum of four permanent markers or survey monuments.
- E. Prepare as-built or record drawings showing the location and volume of waste deposited at the asbestos waste disposal site and file those drawings with the Department within sixty (60) days of when the site is closed. Provide an exact description of the location of asbestos deposition with reference to each permanent marker or survey post.
- F. Record the survey as-built or updated facility record drawings at the State Recorder's Office (or other appropriate land records office approved by the Department) along with a plat note or other file notation informing future property owners that use of the land must not result in the disturbance of the integrity of the final cover, cap or other structures installed as part of the landfill closure, unless approved by the Department. The plat not must also include a warning about health and safety hazards related to disturbing the site. Submit a copy of the survey as-built or record drawings and proof of the recordings to the ADEC Solid Waste Program, Fairbanks Office within (60) days of final closure.

### IV. POST-CLOSURE

The permit holder shall:

- A. Visually monitor the site annually, for at least five (5) years immediately following closure, to check for signs of damage to the integrity of the soil cover, slopes, vegetation, and drainage structures due to settlement or erosion.
- B. At the end of the post-closure period, submit a report to the nearest ADEC Solid Waste Program office describing site conditions and summarizing the information collected during post-closure monitoring.

## **APPENDIX B - GENERAL PERMIT CONDITIONS**

### **I. ACCESS AND INSPECTION**

The permittee shall allow the Commissioner or her/his representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

### **II. INFORMATION ACCESS**

Except for information relating to confidential processes or methods of manufacture, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska Department of Environmental Conservation, Northern Regional Office, 610 University Avenue, Fairbanks, Alaska 99709-3643.

### **III. CIVIL AND CRIMINAL LIABILITY**

Nothing in this permit shall relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.

### **IV. AVAILABILITY**

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

### **V. ADVERSE IMPACT**

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The permittee shall cleanup and restore all areas adversely impacted by the noncompliance.

### **VI. CULTURAL OR PALEONTOLOGICAL RESOURCES**

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-762-2622).

### **VII. APPLICATIONS FOR RENEWAL**

In accordance with 18 AAC 15.100(d), applications for renewal or amendment of this permit must be made no later than thirty (30) days before the expiration date of the permit or the planned effective date of the amendment.

VIII. OTHER LEGAL OBLIGATIONS

The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the permittee. This permit does not relieve the permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the permittee pursuant to the terms of this permit and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

IX. POLLUTION PREVENTION

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.